

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANGELA M BEVILACQUA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 2:20-cv-1617-RSM

ORDER GRANTING PLAINTIFF'S
MOTION FOR ATTORNEY FEES
PURSUANT TO 42 U.S.C. § 406(b)

This matter comes before the Court on Plaintiff's Motion for Attorney Fees under 42 U.S.C. § 406(b). Dkt. #28. Plaintiff seeks fees in the net amount of \$22,533.75 out of \$146,182.00 in past due benefits. *See* Dkt. #28-1. This accounts for a previous Equal Access to Justice Act ("EAJA") fee award of \$6,811.75. *Id.* Defendant has not responded to this Motion. *Id.*

Attorney's fees may be awarded to a successful social security claimant's lawyer for his or her representation before a court pursuant to 42 U.S.C. §§ 406(b). *Straw v. Bowen*, 866 F.2d 1167 (9th Cir.1989). Plaintiff must apply to the Social Security Administration for an award of fees for representation at the administrative level. 42 U.S.C. § 406(a); *Stenswick v. Bowen*, 815 F.2d 519 (9th Cir.1987). Under 42 U.S.C. § 406(b), the Court may allow a reasonable fee for an attorney who represented a Social Security Title II claimant before the Court and obtained a

1 favorable judgment, as long as such fee is not in excess of 25% of the total past-due benefits. *See*
2 *Grisbrecht v. Barnhart*, 535 U.S. 789 (2002).

3 Fee awards may be made under both the EAJA and § 406(b), but the claimant's attorney
4 must refund to the claimant the amount of the smaller fee. *See Gisbrecht v. Barnhart*, 535 U.S.
5 789, 796 (2002).

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7 The Court concludes the request is reasonable within the meaning of § 406(b).
8 Accordingly, having reviewed Plaintiff's Motion, the exhibits and declarations attached thereto,
9 and the remainder of the record, the Court ORDERS as follows: Plaintiff's Motion for Attorney
10 Fees Pursuant to 42 U.S.C § 406(b), Dkt. #28, is GRANTED. Plaintiff's counsel is awarded
11 \$22,533.75 in attorney fees under 42 U.S.C. § 406(b). When issuing the Section 406(b) check
12 for payment to Plaintiff's attorney, the Commissioner is directed to send Plaintiff's attorney,
13 David P. Oliver, the net balance of \$22,533.75, less any applicable processing fee prescribed by
14 law.
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16 DATED this 3rd day of September, 2025.

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20 RICARDO S. MARTINEZ
21 UNITED STATES DISTRICT JUDGE
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